IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 18449 of 2007(U)

PETITIONER:

P.THANKARAJ, S/O.PONNUMUTHU,
CONTRACTOR, RESIDING AT NEW HOUSE,
RAJACAUD VILLAGE, UDUMBANCHOLA TALUK.

BY ADV. SRI.JOSEPH FRANKLIN

RESPONDENTS:

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1. RAJACAUD SERVICE CO-OPERATIVE BANK,
RAJACAUD, REPRESENTED BY ITS SECRETARY.

2. THE KERALA CO-OPERATIVE TRIBUNAL,
TRIVANDRUM, REPRESENTED BY ITS SECRETARY.

3. ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL) UDUMBANCHOLA,
NEDUMKANDAM.

R1 BY ADV. SRI.MILLU DANDAPANI

R2 & R3 BY GOVERNMENT PLEADER (SMT. ANU SIVARAMAN)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 18449 OF 2007 U

Dated this the 25th July, 2007

JUDGMENT

Prayer in the Writ Petition is to direct the second respondent to send back the records in ARC No.12/92 to the third respondent immediately. Case of the petitioner, in brief, is as follows:

Petitioner is the plaintiff in ARC No.12/92 before the third respondent. The case was dismissed. Petitioner preferred Appeal before second respondent which was allowed on 1.9.2000 and it was remanded to the third respondent. But the case records has not been sent back to the third respondent.

2. Once the Court has remanded the matter, records would become necessary for the purpose of disposing of the case after remand. There can be no basis to retain the records by the Appellate Tribunal after such a long time, namely from 1.9.2000. Accordingly, the Writ Petition is disposed of with a direction to the second respondent to remit back the records of

ARC No.12/92 to the third respondent as expeditiously as possible, and at any rate, within one month from the date of receipt of a copy of this Judgment.

K. M. JOSEPH, JUDGE

kbk.